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13

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,652	09/08/2003	Robin G. Skinner	TEC1253	2832
832	7590	08/30/2004	EXAMINER	
BAKER & DANIELS 111 E. WAYNE STREET SUITE 800 FORT WAYNE, IN 46802			TRIEU, THERESA	
		ART UNIT	PAPER NUMBER	
			3748	
DATE MAILED: 08/30/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/657,652	SKINNER ET AL.
	Examiner Theresa Trieu	Art Unit 3748

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) Claim(s) 18-22 is/are allowed.
- 6) Claim(s) 1-5, 13-15, 23-25 and 28-30 is/are rejected.
- 7) Claim(s) 6-12, 16, 17, 26, 27 and 31 is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on ____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>09/08/03, 01/16/04 & 03/11/04</u> | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: ____ . |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

1. *Claims 1-5, 13-15, 23-25 and 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sawai et al. (Sawai) (Patent Number 4,886,435) in view of Iversen et al. (Iversen) (Patent Number 6,358,019).*

Regarding claims 1, 13, 23, and 28, as shown in Fig. 1, Sawai discloses a compressor assembly for compressing a gas, the compressor assembly comprising: a housing (1) having a

Art Unit: 3748

first inlet (6); a motor (9) disposed within the housing; a crankcase (14) disposed within the housing and secured relative to the motor; a compressor mechanism (2) operably coupled to the motor (9) and defining a working space wherein gas is compressed within the working space, gas entering the working space through a second inlet (14g), and a baffle member (27) secured to the crankcase and extending from proximate the first inlet (6) to proximate the second inlet (14g), the baffle member positioned to be impactable by gas entering the housing through the first inlet (6), the baffle member directing gas entering the housing (1) in a flow path from the first inlet to the second inlet (14g). However, Sawai fails to disclose the baffle surface defining a baffle opening.

Iversen teaches that it is conventional in the art to utilize the baffle member defining a baffle opening (10), the baffle opening positioned between the first inlet and the second inlet, the baffle opening (10) having a length and a width, the length being substantially greater than the width, the length extending in a direction substantially transverse to the flow path whereby fluid collected on the baffle member is separable from gas (see col. 3, line 66-67) entering the second inlet by passage (9) through the baffle opening (see Fig. 2). It would have been obvious to one having ordinary skill in the art at the time the invention was made, to have utilized the baffle opening, as taught by Iversen in the Sawai apparatus, since the use of thereof would have improved sound damping and improved the performance and the efficiency of the compressor device.

Regarding claims 2-5, 14, 15, 24, 25, 29 and 30, Sawai further discloses a sheet-like baffle member (27) secured within the housing (1), the baffle member (27) having a first major surface defining the baffle surface; the baffle surface being positioned to define a passageway

between an interior surface of the housing (1) and the baffle surface; the housing (1) including a substantially cylindrical portion, the first inlet (6) being disposed in the substantially cylindrical portion, and the baffle surface (27) includes a generally arcuate surface; the first inlet (6) being positioned at a lower vertical position than the second inlet (14g).

Allowable Subject Matter

2. Claims 6-12, 16, 17, 26, 27 and 31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
3. Claims 18-22 are allowed.

Prior Art

The IDS (PTO-1449) filed on September 8, 2003, January 16, 2004 and March 11, 2004 has been considered. An initialized copy is attached hereto.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure and consists of two patents.

Hirahara et al. (Patent Number 4,560,329) discloses a strainer device for rotary compressor.

Shibayashi et al. (Publication Number JP 61-112795) disclose a sealed type scroll compressor.

Communication

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Theresa Trieu whose telephone number is 703-308-6434. The examiner can normally be reached on Monday-Friday 8:30am- 5:00pm.

Art Unit: 3748

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas E Denion can be reached on 703-308-2623. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TT


Theresa Trieu
Patent Examiner
Art Unit 3748